

MINUTES, REGULAR MEETING
CITY COUNCIL, CITY OF LA CRESCENT, MINNESOTA
SEPTEMBER 22, 2014

Pursuant to due call and notice thereof, the second meeting of the City Council of the City of La Crescent for the month of September was called to order by Mayor Mike Poellinger at 5:30 PM in the La Crescent City Hall, La Crescent, Minnesota, on Monday, September 22, 2014, followed by the Pledge of Allegiance.

Upon a roll call taken and tallied by the City Administrator, the following members were present: Members Bernie Buehler, John Graf, Greg Husmann, Dale Williams and Mayor Mike Poellinger. Members absent: None. Also present was City Administrator Bill Waller and City Attorney Skip Wieser.

Mayor Poellinger asked if anyone wished to take action to change the agenda as presented. There were no changes requested.

ITEM 1 – CONSENT AGENDA

At this time, the Mayor read the following items to be considered as part of the Consent Agenda for this regular meeting:

- 1.1 MINUTES – SEPTEMBER 8, 2014
- 1.2 BILLS PAYABLE THROUGH SEPTEMBER 18, 2014
- 1.3 CASH BALANCE/ACTIVITY REPORT – AUGUST 2014
- 1.4 LIBRARY REPORT – AUGUST 2014

At the conclusion of the reading of the Consent Agenda, Mayor Poellinger asked if the Council wished to have any of the items removed from the Consent Agenda for further discussion. Member Williams made a motion, seconded by Member Husmann, as follows:

A MOTION TO APPROVE THE CONSENT AGENDA AS PRESENTED

Upon a roll call vote taken and tallied by the City Administrator, all Members present voted in favor thereof, viz;

Bernie Buehler	Yes
John Graf	Yes
Greg Husmann	Yes
Dale Williams	Yes
Mike Poellinger	Yes

and none voted against the same. The motion was declared duly carried.

ITEM 3.0 – 2013 AUDIT REVIEW

Mike Temp of Tostrud & Temp, S.C., Certified Public Accountants, gave an overview to City Council of the 2013 City audit. Following discussion, Member Husmann made a motion, seconded by Member Williams, as follows:

MOTION TO ACCEPT THE FINANCIAL STATEMENTS AND INDEPENDENT AUDITOR'S REPORT FOR THE CITY OF LA CRESCENT FOR 2013 AS PRESENTED.

Upon a roll call vote taken and tallied by the City Administrator, all Members present voted in favor thereof, viz;

Bernie Buehler	Yes
John Graf	Yes
Greg Husmann	Yes
Dale Williams	Yes
Mike Poellinger	Yes

and none voted against the same. The motion was declared duly carried.

At this time, Item 3.6 was heard next.

ITEM 3.6 – PLANNING COMMISSION MINUTES – SEPTEMBER 2

City Council reviewed the Minutes of September 2, 2014 Planning Commission meeting. Chairman Don Smith from the Planning Commission reviewed with Council recommended text amendments to the City Zoning Ordinance regarding Itinerant Merchants, Peddlers, Solicitors and Garage and Yard Sales. The text amendments to the City Ordinance are as follows:

Subd 3. G. (page 48) Garage sales are a permitted use in all residential districts on a property on which a principal dwelling is located, with the permission of the property owner (when the home is non-owner occupied) and under the following conditions:

1. Goods and equipment displayed shall be only those items owned by and part of normal household effects of the occupant(s) of the premises on which the sale is held. Agricultural products shall not be sold unless raised on site. Continuous sale of agricultural product grown on site, like berries, shall be permitted if there is no related sign unless otherwise approved as a home occupation
2. The goods shall not be displayed or sold in the public right-of-way, nor after sundown.
3. No sale shall last more than three consecutive days, nor be repeated on the same premises more frequently than two per year.
4. A maximum of six garage sale signs shall be permitted; each may be no more than two square feet in area. The signs may be posted on premises, other than those of the sale, with the explicit permission of the owner of those premises but may not be posted in a public right-of-way or on a structure on a right-of-way. Signs may be posted only during daylight hours and must be removed at the termination of the sale.
5. Group sales are permitted and neighborhood coordination of garage and yard sales is encouraged. Such group sales shall offer for sale only those items owned by and part of the normal household effects of the participating neighbors. And, it shall be unlawful to participate in more than 4 garage sales in one year.

6. De minimis sales by children of such things as kool-aide or lemonade shall not presently be regulated.
7. Food sales intended for immediate consumption, along the route of a special event, for the benefit of a not-for-profit organization, shall be permitted. This does not exempt the property owner from any other regulation relative to permitting the sale or applicable public health regulation.

Following discussion, Member Williams made a motion, seconded by Member Graf, as follows:

MOTION TO APPROVE THE ABOVE PROPOSED TEXT AMENDMENTS TO THE CITY ZONING ORDINANCE REGARDING ITINERANT MERCHANTS, PEDDLERS, SOLICITORS AND GARAGE AND YARD SALES.

Upon a roll call vote taken and tallied by the City Administrator, the following Members present voted in favor thereof, viz;

Bernie Buehler	Yes
John Graf	Yes
Dale Williams	Yes
Mike Poellinger	Yes

and Member Greg Husmann voted against the same. The motion was declared duly carried by a 4-1 vote.

ITEM 3.1 – BOUNDARY/ANNEXATION REVIEW

City Attorney Wieser gave an overview to City Council on the pending and future annexation matters. Council reviewed maps of six (6) areas within the Township that currently meet the statutory requirements for annexation. It was recommended to City Council to authorize the required paperwork to be prepared and be presented at the 1st Council meeting in October regarding the area of N. 4th Street and the boat landing near Shore Acres. Following an extended discussion, Member Husmann made a motion, seconded by Member Williams, as follows:

MOTION TO AUTHORIZE THE REQUIRED PAPERWORK BE PREPARED BY THE CITY ATTORNEY TO BE PRESENTED AT THE 1ST COUNCIL MEETING IN OCTOBER, 2014 FOR THE ANNEXATION OF THE AREAS OF N. 4TH STREET AND THE BOAT LANDING NEAR SHORE ACRES.

Upon a roll call vote taken and tallied by the City Administrator, all Members present voted in favor thereof, viz;

Bernie Buehler	Yes
John Graf	Yes
Greg Husmann	Yes
Dale Williams	Yes
Mike Poellinger	Yes

and none voted against the same. The motion was declared duly carried.

ITEM 3.2 – ENGINEERING PROPOSAL – STONEY POINT

City Engineer Tim Hruska gave an overview to City Council on the engineering proposal to provide three different development concepts for the Stoney Point Property that the City is in the process of purchasing. It was recommended that the Planning Commission be included in all of the City Council Meetings when this item is reviewed and discussed. Due to the closing of the property now set for September 25, 2014, it is recommended that City Council delay action on this item until the first City Council Meeting in October. The proposal will be revised for minimal and moderate development alternatives and presented when closing on property is completed. No action taken.

ITEM 3.3 – CRESCENT AVENUE UTILITY EXTENSION

City Engineer Tim Hruska gave an overview to City Council on the engineering report regarding the extension of City services to Crescent Avenue and Kinder Road. It was recommended that City Council authorize WHKS to begin preparation of plans and specifications to extend sanitary sewer to the two properties that have requested service contingent upon the City receiving the required annexation and connection documents. It was also recommended that the City meet with the balance of the residents on Crescent Avenue at which time the City Engineer would present the report and see if there is additional interest in the project. Following discussion, Member Husmann made a motion, seconded by Member Williams, as follows:

MOTION TO AUTHORIZE WHKS TO BEGIN PREPARATION OF PLANS AND SPECIFICATIONS TO EXTEND SANITARY SEWER TO THE TWO PROPERTIES THAT HAVE REQUESTED SERVICE CONTINGENT UPON THE CITY RECEIVING THE REQUIRED ANNEXATION AND CONNECTION DOCUMENTS AND TO AUTHORIZE A PUBLIC MEETING WITH THE BALANCE OF THE RESIDENTS ON CRESCENT AVENUE TO SEE IF THERE IS ADDITIONAL INTEREST IN THE PROJECT.

Upon a roll call vote taken and tallied by the City Administrator, all Members present voted in favor thereof, viz;

Bernie Buehler	Yes
John Graf	Yes
Greg Husmann	Yes
Dale Williams	Yes
Mike Poellinger	Yes

and none voted against the same. The motion was declared duly carried.

ITEM 3.4 – ENGINEERING/PROJECT REVIEW

City Engineer Tim Hruska gave an overview to City Council on the ongoing City Engineering Report. This was informational for Council and no action was taken.

ITEM 3.5 – LANCER YOUTH HOCKEY LEASE AGREEMENT

City Council reviewed the Lease Agreement with Lancer Youth Hockey and memo provided by City Attorney Wieser. The Lease Agreement is consistent with the Lease utilized between the City and Lancer Youth Hockey for the previous two years. The City and Lancer Youth Hockey, along with the La Crescent School District, are

continuing to work towards a long-term resolution of the Lease for the Community Ice Arena. The goal is to provide long-term stability for all parties involved. Once the long-term resolution regarding the Lease is resolved, the City and Lancer Youth Hockey are continuing to work toward satisfaction of the general obligation debt that exists against the building. Following discussion, Member Williams made a motion, seconded by Member Buehler, as follows:

MOTION TO APPROVE THE LEASE AGREEMENT BETWEEN THE CITY OF LA CRESCENT AND LANCER YOUTH HOCKEY BEGINNING SEPTEMBER 1, 2014 THROUGH MARCH 15, 2015, WITH LANCER YOUTH HOCKEY HAVING THE OPTION TO EXTEND THE LEASE THROUGH APRIL 30, 2015.

Upon a roll call vote taken and tallied by the City Administrator, all Members present voted in favor thereof, viz;

Bernie Buehler	Yes
John Graf	Yes
Greg Husmann	Yes
Dale Williams	Yes
Mike Poellinger	Yes

and none voted against the same. The motion was declared duly carried.

Item 3.6 was heard earlier in the meeting.

ITEM 3.7 – ELECTION JUDGE RESOLUTION

City Council reviewed a Resolution that appoints the election judges for the 2014 elections, including alternative judges. Following discussion, Member Williams introduced the following resolution and moved its passage and adoption:

RESOLUTION NO. 09-14-19

RESOLUTION APPOINTING ELECTION JUDGES FOR 2014 ELECTIONS

Be it resolved by the City Council of the City of La Crescent as follows:

1. The persons below named are hereby appointed judges for the 2014 elections to be held in the City of La Crescent, November 4, 2014. The judges appointed, the chairperson of the election board of each precinct designated and precinct and voting are as following:

A. First Precinct.....Community Building
To serve from 7:00 AM to 8:00 PM.

Bill Goff, Chair
Pat Shea
Delores Sorenson
La Verne Lehmann

Jan Schild
Jan Koljord

- B. Second Precinct.....Ice Arena
To serve from 7:00 AM to 8:00 PM

Judy Lehmann, Chair
Cherryl Jostad
JoAnn Olson
Peg Wansley
Judy Graf
Carolynn Devine

- C. Third Precinct.....Ice Arena
To serve from 7:00 AM to 8:00 PM

Sara Goff, Chair
Lois Mullally
Darlene Erickson
Jeanne Baures

- D. Fourth Precinct.....Mailed Ballot

Alternate Judges: Rosemary Zemlo, Catherine Acevedo

ADOPTED this 22nd day of September, 2014.

SIGNED:

Mayor

ATTEST:

City Administrator

The foregoing motion was duly seconded by Member Husmann and upon a roll call vote taken and tallied by the City Administrator, all Members present voted in favor thereof, viz;

Bernie Buehler	Yes
John Graff	Yes
Greg Husmann	Yes
Dale Williams	Yes
Mike Poellinger	Yes

and none voted against the same. The motion was declared duly carried and the resolution duly passed and adopted.

ITEM 3.8 – MnDOT LANDSCAPE PARTNERSHIP TREE PROPOSALS

City Council reviewed a proposal from Hoffman & McNamara for the MnDOT Landscape Partnership Tree Proposal. Following discussion, Member Williams made a motion, seconded by Member Buehler, as follows:

MOTION TO ACCEPT THE PROPOSAL FROM HOFFMAN & MCNAMARA FOR THE MnDOT LANDSCAPE PARTNERSHIP TREE PROPOSAL IN THE AMOUNT OF \$5,605.59 WITH FUNDS FROM A MnDOT LANDSCAPE PARTNERSHIP GRANT CONTINGENT UPON MNDOT APPROVAL.

Upon a roll call vote taken and tallied by the City Administrator, all Members present voted in favor thereof, viz;

Bernie Buehler	Yes
John Graf	Yes
Greg Husmann	Yes
Dale Williams	Yes
Mike Poellinger	Yes

and none voted against the same. The motion was declared duly carried.

ITEM 3.9 – CITY COUNCIL RULES/MOTIONS

City Attorney Wieser reviewed with City Council Resolution No. 2-13-03 establishing rules for the City Council that includes the addition of agenda items. City Attorney Wieser also reviewed content for Motions. No action taken.

ITEM 3.10 – 2015 GENERAL FUND BUDGET/LEVY

City Administrator Waller gave an extended overview to City Council on the proposed 2015 general fund budget and the proposed Resolution that sets the preliminary levy. By September 30, 2014, the City Council is required to adopt a Resolution setting the preliminary levy and set a date for a public meeting at which time the proposed budget and levy will be discussed and the final budget and levy will be determined. This date was set for December 8, 2014 at 6:00 p.m. at the last Council meeting. Also, as part of the budget review and adoption process the Council cannot adopt the 2015 General Fund Budget until after the public meeting in December and once the preliminary levy is set, the City Council has the discretion to lower the levy but cannot increase the preliminary levy once it is set. The proposed 2015 preliminary levy resolution reflects a 4.8 percent increase. Each 1% increase in the City levy, will raise an additional \$22,873 in property taxes. A portion of the proposed increase will be offset by the addition of new properties in Crescent Valley that have been recently

annexed to the City, and the new construction starts in 2014. Following discussion, Member Williams introduced the following resolution and moved its passage and adoption:

RESOLUTION 09-14-20

**RESOLUTION MAKING PRELIMINARY GENERAL LEVIES FOR
COLLECTION WITH REAL ESTATE TAXES PAYABLE IN THE
CALENDAR YEAR 2015**

BE IT RESOLVED by the City Council of the City of La Crescent, Minnesota as follows:

1. It is hereby determined and declared that there shall be and there is hereby levied upon all taxable property within the City for the general purposes of the City, as provided by law, to be collected in the year 2015 as part of the general taxes due and payable in the year 2015 a direct ad valorem tax in the amount of \$1,624,258.00 as provided by State law to be levied and collected in the manner provided by law.
2. Be it also hereby determined and declared that there shall be and there is hereby levied upon taxable property within the City of La Crescent for public library service, a tax in the amount of \$124,072.00 to be collected in the year 2015, as authorized by Minnesota Statutes, Section 134.33 and 134.34.
3. It is hereby found, determined, and declared that the amounts set forth in a column at the right to be levied with taxes to be collected in the calendar year 2015, in conjunction with the various bonds issued and sinking funds described below:

FUND #	YEAR	DESCRIPTION	TO BE LEVIED FOR COLLECTION IN CALENDAR YEAR 2015
101	2012	Tax Abatement	\$7,200.00
325	2011B	G.O. Recreational Facility Bonds	\$211,170.00
322	2009A	G.O. Refunding Bonds	\$142,542.00
324	2011A	G.O. Improvement Bonds	\$34,000.00
326	2013A	G.O. Equipment Certificate	\$144,100.00
		TOTAL DEBT SERVICE LEVY	\$539,012.00

4. Total levy for the City of La Crescent for collection in 2015 is \$2,287,342.00.

ADOPTED this 22nd day of September, 2014.

SIGNED:

Mayor

ATTEST:

City Administrator

The foregoing motion was duly seconded by Member Buehler and upon a roll call vote taken and tallied by the City Administrator, all Members present voted in favor thereof, viz;

Bernie Buehler	Yes
John Graff	Yes
Greg Husmann	Yes
Dale Williams	Yes
Mike Poellinger	Yes

and none voted against the same. The motion was declared duly carried and the resolution duly passed and adopted.

ITEM 3.11 – NOTICE OF DESIRE TO NEGOTIATE – LOCAL 49

City Council reviewed a notice of desire to negotiate from the Operating Engineers Union. It was recommended to Council that this matter will be referred to the Personnel Committee. Following discussion, Member Husmann made a motion, seconded by Member Williams, as follows:

MOTION TO REFER THE NOTICE OF DESIRE TO NEGOTIATE FROM THE OPERATING ENGINEERS UNION TO THE PERSONNEL COMMITTEE.

Upon a roll call vote taken and tallied by the City Administrator, all Members present voted in favor thereof, viz;

Bernie Buehler	Yes
John Graff	Yes
Greg Husmann	Yes
Dale Williams	Yes
Mike Poellinger	Yes

and none voted against the same. The motion was declared duly carried.

ITEM 8 – CHAMBER OF COMMERCE

Dewey Severson from the Chamber updated City Council on the Applefest activities and thanked the Public Works and Police Department.

There being no further business to come before the Council at this time, Member Husmann made a motion, seconded by Member Williams, to adjourn the meeting. Upon a roll call vote taken and tallied by the City Administrator, all Members voted in favor thereof, viz;

Bernie Buehler	Yes
John Graff	Yes
Greg Husmann	Yes
Dale Williams	Yes
Mike Poellinger	Yes

and none voted against the same. The motion was declared duly carried and the meeting duly adjourned at 7:15 PM.

APPROVAL DATE: _____

SIGNED:

Mayor

ATTEST:

City Administrator